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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,962	01/26/2006	Bartel Marinus Van De Sluis	US030250US	9403
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EXAMINER				
ADEYIGA, TEMITOPE A				
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2622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,962

Applicant(s)

VAN DE SLUIS ET AL.

Examiner

TEMITOPE ADEYIGA

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's failure to adequately traverse the Examiner's taking of Official Notice in the rejection of Claim 15 in the last office action is taken as an admission of the fact(s) noticed.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-14 and 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6954229) hereinafter referred to as Otala in view of (US 20030104841) hereinafter referred to as Yamamoto in further view of (US 20020113909) hereinafter referred to as Sherwood.

- a. **Claim 1** Otala discloses "An apparatus for viewing digital still photographs, the apparatus comprising: data input means for inputting at least one digital data file representing a digital still photograph, the at least one digital data file having at least one of a time and location stamp indicating a time when the photograph was taken or a location where the photograph was taken, respectively [Otala Column 7; lines 32-45]; a display for displaying the

digital still photograph [Otala Column 7; line 65]; digital still photograph rendering means, coupled to said data input means for receiving the at least one digital data file, for separating the at least one of a time and location stamp from the at least one digital data file, and for applying the at least one digital data file to the display for rendering of the corresponding digital still photograph on the display [Otala Column 4; lines 15-20];"

- i. Otala fails to disclose "ambient alteration means for altering an ambient characteristic based on at least one of the time and location stamps."
- ii. However, Yamamoto discloses a method for displaying time-stamp associated data.
- iii. Therefore, the examiner maintains that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Otala by providing "ambient alteration means, coupled to said digital still photograph rendering means for altering an ambient characteristic based on at least one of the time and location stamps", as disclosed by [Yamamoto ¶0024 and ¶0050] for the purpose of intuitively displaying image data [Yamamoto ¶0051].

- iv. Otala and Yamamoto are silent to "altering an ambient characteristic in an area proximate to said display."
 - v. Sherwood discloses methods for altering interior spaces using multimedia and other sense stimulating methods.
 - vi. Therefore, the examiner maintains that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Otala and Yamamoto by providing "altering an ambient characteristic in an area proximate to said display", as disclosed by [Sherwood ¶0015] for the purpose of creating an appearance for an interior space [Sherwood ¶0010].
- b. **Claim 2** Otala discloses "the data input means is a media drive for reading the at least one digital data file from a media contained in the media drive." [Otala Column 9; lines 54-62]
- c. **Claim 3** Otala discloses "the media drive is one of a CD player, DVD player, floppy drive, and digital camera media card reader."
- d. **Claim 4** Otala discloses "the data input means comprises a modem operatively connected to one of a network, storage device, and digital still camera." [Otala Column 4; lines 32-34]

- e. **Claim 5** Otala discloses "the data input means comprises a connector operatively connected through a cable to one of a network, storage device, and digital still camera." [Otala Column 4; lines 32-34]
- f. **Claim 6** Otala and Yamamoto disclose the claimed invention except for "a connector wirelessly connected to one of a network, storage device, and digital still camera";
 - i. However the examiner maintains that it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Otala and Yamamoto by providing "a connector wirelessly connected to one of a network, storage device, and digital still camera", as disclosed by [Sherwood ¶0052] since wireless connection is necessary to receive the signals through the medium described by [Sherwood ¶0052 "satellite"].
- g. **Claim 7** Yamamoto discloses "the ambient alteration means comprises a lighting system and the ambient characteristic comprises an ambient lighting as effected by said lighting system in an area proximate the display." [Yamamoto ¶0024 and ¶0050]
- h. **Claim 8** Yamamoto discloses "the lighting system changes the ambient lighting to reproduce a lighting characteristic

of at least one of the time when the digital photograph was taken and the location where the digital photograph was taken." [Yamamoto Figure 5 ¶0024 and ¶0050]

- i. **Claim 9** Otala discloses "the ambient alteration means comprises an audio rendering system and at least one speaker operatively connected thereto and wherein the ambient characteristic comprises reproducing audio in an area proximate the display." [Otala Column 6; lines 32-42]
- j. **Claim 10** Otala discloses "the reproduced audio is characteristic of at least one of the time when the digital photograph was taken and the location where the digital photograph was taken." [Otala Column 6; lines 32-42]
- k. **Claim 11** Otala and Yamamoto disclose the claimed invention except for "at least one other display in an area proximate the display, wherein the ambient characteristic comprises the at least one other display";
 - i. However the examiner maintains that it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Otala and Yamamoto by providing "at least one other display in an area proximate the display, wherein the ambient characteristic comprises the at least one other display", as disclosed by [Sherwood ¶0053] for the

purpose of creating an illusion to an individual standing in the interior space [Sherwood ¶0054].

- I. **Claim 12** Sherwood discloses associated data with a particular environment that reads on "a display on the one other display is representative of a historical period within the time when the digital photograph was taken." [Sherwood ¶0028]
 - i. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ojala and Yamamoto by providing "a display on the one other display is representative of a historical period within the time when the digital photograph was taken" as disclosed by Sherwood for the purpose of stimulating senses of the customer [Sherwood ¶0028]
- m. **Claim 13** is rejected similarly as applied in the rejection of Claim 12 since the associated data referred to in the rejection of Claim 11 reads on "a display on the one other display is representative of a geographical location where the digital photograph was taken."
- n. **Claim 14** Ojala and Yamamoto disclose the claimed invention except for "the ambient alteration means comprises an advertisement generation means for generating at least one of an audio

or visual advertisement on the at least one other display or a speaker operatively connected to the apparatus”;

- i. However the examiner maintains that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide “the ambient alteration means comprises an advertisement generation means for generating at least one of an audio or visual advertisement on the at least one other display or a speaker operatively connected to the apparatus”, as disclosed by [Sherwood ¶0038 and ¶0039] for promotion purposes [Sherwood ¶0039].
- o. **Claim 16** is rejected as applied in the rejection of Claim 1.
- p. **Claim 17** is rejected as applied in the rejection of Claim 1, since the method is inherent to the apparatus of Claim 1.
- q. **Claim 18** is rejected as applied in the rejection of Claim 7, since the method is inherent to the apparatus of Claim 7.
- r. **Claim 19** is rejected as applied in the rejection of Claim 8, since the method is inherent to the apparatus of Claim 8.
- s. **Claim 20** is rejected as applied in the rejection of Claim 9, since the method is inherent to the apparatus of Claim 9.
- t. **Claim 21** is rejected as applied in the rejection of Claim 10, since the method is inherent to the apparatus of Claim 10.

- u. **Claim 22** is rejected as applied in the rejection of Claim 11, since the method is inherent to the apparatus of Claim 11.
 - v. **Claim 23** is rejected as applied in the rejection of Claim 12, since the method is inherent to the apparatus of Claim 12.
 - w. **Claim 24** is rejected as applied in the rejection of Claim 13, since the method is inherent to the apparatus of Claim 13.
 - x. **Claim 25** is rejected as applied in the rejection of Claim 14, since the method is inherent to the apparatus of Claim 14.
 - y. **Claim 26** is rejected as applied in the rejection of Claim 7.
 - z. **Claim 27** is rejected as applied in the rejection of Claim 9.
4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ojala in view of Yamamoto in view of Sherwood as applied to claim 1 above, and further in view of Official Notice.
- a. **Claim 15** Ojala and Yamamoto disclose the claimed invention except for "the one other display comprises a picture-in-picture display displayed on the display"; However Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "the one other display comprises a picture-in-picture display displayed on the display", since picture in picture was a well known feature in display devices at the time the invention was made.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TEMITOPE ADEYIGA** whose telephone number is (571)270-3578. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./
Examiner, Art Unit 2622

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622